

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION**

CHARLES R. MCCALLISTER

PLAINTIFF

V.

NO. 06-6037

**MARTEN TRANSPORT, LTD.
AND ALTON D. SPIGHT**

DEFENDANTS

STATEMENT OF UNDISPUTED FACTS

1. Alton Spight fired a pistol into the cab of a tractor trailer as it was passing a tractor trailer he was driving on Interstate 30 in Hot Spring County, Arkansas.

2. A bullet from the pistol fired by Spight struck Plaintiff.

3. Defendant Spight was convicted of first degree battery, under Ark.Code Ann. § 5-13-201(a)(8)), by the Circuit Court of Hot Spring County for shooting the Plaintiff.

4. The statute provides that a person is guilty of first-degree battery if, “[w]ith the purpose of causing physical injury to another person, the person causes physical injury to any person by means of a firearm.”

4. Spight appealed his conviction and the conviction was affirmed by the Arkansas Court of Appeals on March 5, 2008

Respectfully submitted,

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By: /s/ _____
Darryl E. Baker #78008

CERTIFICATE OF SERVICE

I, Darryl E. Baker, do hereby certify that a true copy of the above has been furnished to the defendant(s) by mailing a copy of same to the Attorney(s) as listed below on this 27th day of August, 2008, by

(X) regular mail () certified mail () hand delivery () facsimile (X) email

/s/

Darryl E. Baker

To:

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